

KDHE has received several comments from professional geologists requesting that their profession should be included in the group of professionals authorized to prepare or supervise the preparation of stormwater pollution prevention plans. KDHE considers the omission of professional geologists from the group of professionals authorized to prepare stormwater pollution prevention plans to be an oversight. Ergo KDHE proposes to incorporate professional geologists as well as architects in the list of professionals authorized to prepare stormwater pollution prevention plans by way of a minor modification to the Kansas Water Pollution Control General Permit for STORMWATER RUNOFF FROM CONSTRUCTION ACTIVITIES. These modifications are considered to be administrative actions to correct an oversight.

Although the changes are considered as minor modifications, KDHE plans to inform the affected stakeholders by placing the modifications on a 30 day public notice. KDHE is proposing to revise the general permit by deleting all of the first paragraph and all but the last sentence of the third paragraph under the "General SWP2 Plan Requirements" subsection (found on page 6 of the general permit) and adding the following as the new first paragraph under the same subsection. The revised wording is as follows:

Stormwater Pollution Prevention (SWP2) plans shall be developed and prepared under the supervision of an engineer, geologist, architect, landscape architect or a Certified Professional in Erosion and Sediment Control. **(see endnote 6, page 14)** The permittee shall amend and update the SWP2 plan as appropriate during the term of the construction activity. Amendments to SWP2 plans shall also be prepared under the supervision of an engineer, geologist, architect, landscape architect or a Certified Professional in Erosion and Sediment Control. Please note: It is unlawful for a person to perform any assignment involving a specific technical profession unless licensed or specifically exempted by the Kansas Board of Technical Professions, and is qualified by education and expertise in that profession to perform such work.

Since this administrative action also affects professionals holding certifications in erosion and sediment control, the contact information for their organization included as endnote 6, page 14 will be updated simultaneously to reflect that organizations current contact information. KDHE is therefore proposing to delete endnote 6 and replace it in its entirety. The endnote revision is as follows:

6. Certification as a professional in erosion and sediment control is available through Certified Professional in Erosion and Sediment Control Incorporated (CPESC). CPESC can be contacted through the internet at [www.cpesc.net](http://www.cpesc.net), or by calling (828) 756-4484. For more information, contact the International Erosion Control Association at [www.ieca.org](http://www.ieca.org) or by calling 970-879-3010.

KDHE is also proposing to add the following sentence to the end of the definition of small construction activity found on page 2 of the general permit with an additional footnote 7 on page 14 as follows:

**Small construction activity does not include routine maintenance. (see endnote 7, page 14)**

7. Routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility is not considered to be small construction activity, and therefore is not subject to construction stormwater permitting requirements.